

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**STEPHEN LAMAR WOODS,**

Plaintiff,

V.

**CITY OF LANCASTER; LANCASTER  
POLICE DEPARTMENT; R. SPARKS;  
CITY OF DESOTO, TEXAS; DESOTO  
POLICE DEPARTMENT; and  
JOHN DOE 3:21-CV-3027,**

Defendants.

Civil Action No. **3:21-CV-3027-L-BK**

## ORDER

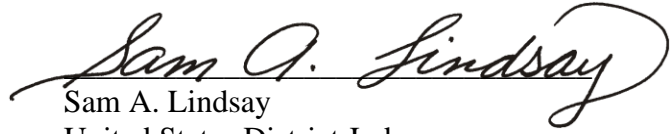
The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 10) was entered on February 22, 2022, recommending that this action be dismissed without prejudice for failure to prosecute and comply with a court order under Federal Rule of Civil Procedure 41(b). No objections to the Report were filed as of the date of this order, and the deadline for filing objections has expired. Plaintiff failed to comply with two orders to complete the Magistrate Judge’s Questionnaire, despite being given an extension of time to do so.

Having considered the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, pursuant to Rule 41(b), the court **dismisses without prejudice** this action for failure to prosecute and comply with a court order.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202

and n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed in forma pauperis on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

**It is so ordered** this 21st day of March, 2022.

  
Sam A. Lindsay  
United States District Judge